

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARLTON LANE,

Plaintiff,

v.

JOSEPH F. TAVARES, M.D., *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-14-991

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SCHWAB)

ORDER

NOW, this 20th day of August, 2015, **IT IS HEREBY ORDERED** that:

- (1) Magistrate Judge Schwab's Report and Recommendation (Doc. 127) is **ADOPTED in part** as stated in the accompanying Memorandum.
- (2) Defendant Joseph Tavares' Motion to Dismiss (Doc. 23) is **GRANTED**.
- (3) Plaintiff is granted **twenty-one (21) days** from the date of entry of this Order to file an amended complaint.
- (4) Commonwealth Defendants' Motion for Summary Judgment (Doc. 95) and Plaintiff's Cross Motion for Partial Summary Judgment (Doc. 107) are **DENIED as moot and without prejudice** to re-filing after all the pleadings are closed.
- (5) The action is **RECOMMITTED** to Magistrate Judge Schwab for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge